

Christina Presslak

Subject: FW: [EXTERNAL EMAIL] RE: Brown v. City of Chicago, et al., No. 18 CV 7064 - Juror Questionnaire

From: Abbie Peluso <apeluso@rshc-law.com>

Sent: Tuesday, March 21, 2023 10:41 AM

To: Christina Presslak <Christina_Presslak@ilnd.uscourts.gov>; Allyson West <awest@halemonico.com>

Cc: Allison Siebeneck <ASiebeneck@rshc-law.com>; Ronald Safer <rsafer@rshc-law.com>; andy@halemonico.com; Bill Bazarek <web@halemonico.com>; Bobb@pcbtrialaw.com; David Nordwall <david@drnlaw.net>

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CAUTION - EXTERNAL:

FILED

MAR 21 2023

CHIEF JUDGE REBECCA R. PALLMEYER
UNITED STATES DISTRICT COURT

Good morning, Ms. Presslak and counsel,

Thank you very much for the opportunity to respond.

We object to both proposed questions.

Proposed Question 16 is overly broad and open-ended, and some jurors may not even have enough time or space to answer the question fully. Additionally, it improperly attempts to precondition jurors (for example, this case has nothing to do with funding or defunding the police) and it invades juror privacy on irrelevant issues, including, for example, requiring disclosure of personal beliefs on irrelevant political issues.

We similarly object to Proposed Question 17. It is overly broad, irrelevant, and invades juror privacy, including, potentially, on irrelevant political beliefs and leanings. The question does not probe for bias that could rise to the level of a legitimate challenge for cause.

Thank you,
Abbie

Abbie Peluso ([bio](#))
Riley Safer Holmes & Cancila LLP
70 W. Madison Street, Suite 2900
Chicago, Illinois 60602
(312) 471-8774
apeluso@rshc-law.com
www.rshc-law.com

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Christina Presslak

Subject: FW: Brown v. City of Chicago, et al., No. 18 CV 7064 - Juror Questionnaire

From: William Bazarek <web@halemonico.com>
Sent: Monday, March 20, 2023 5:00 PM
To: Christina Presslak <Christina_Presslak@ilnd.uscourts.gov>
Cc: Allison Siebeneck <ASiebeneck@rshc-law.com>; Ronald Safer <rsafer@rshc-law.com>; Abbie Peluso <apeluso@rshc-law.com>; Andrew Hale <Andy@halemonico.com>; bobb@pcbtrialaw.com; David Nordwall <david@drnlaw.net>; Allyson West <awest@halemonico.com>; Daniel M. Noland <dnoland@reiterburns.com>
Subject: RE: Brown v. City of Chicago, et al., No. 18 CV 7064 - Juror Questionnaire

CAUTION - EXTERNAL:

Hi Ms. Presslak- separate from the court's inquiry to plaintiff's counsel on questions 16 and 17, we also know that Judge Pallmeyer relayed to the parties that she would add cautionary language to jury cover letter about jurors not watching tv, reading newspapers/media reports, going online, etc. to discover info about the case.

Thanks

William E. Bazarek

Partner

Hale & Monico LLC

53 W. Jackson Blvd.

Suite 330

Chicago, Illinois 60604

(312) 870-6902

web@halemonico.com

From: Christina Presslak <Christina_Presslak@ilnd.uscourts.gov>
Sent: Monday, March 20, 2023 4:08 PM
To: Allyson West <awest@halemonico.com>
Cc: Allison Siebeneck <ASiebeneck@rshc-law.com>; Ronald Safer <rsafer@rshc-law.com>; Abbie Peluso <apeluso@rshc-law.com>; andy@halemonico.com; Bill Bazarek <web@halemonico.com>; bobb@pcbtrialaw.com; David Nordwall <david@drnlaw.net>
Subject: RE: Brown v. City of Chicago, et al., No. 18 CV 7064 - Juror Questionnaire

Please see message below from Judge Pallmeyer:

Dear Counsel:

I have no objection to Defendants' proposed revision to the juror cover letter. I ask Plaintiff's counsel to advise whether they object to Defendant's proposed Questions 16 and 17.

Rebecca Pallmeyer

From: Allyson West <awest@halemonico.com>
Sent: Monday, March 20, 2023 3:38 PM
To: Christina Presslak <Christina_Presslak@ilnd.uscourts.gov>
Cc: Allison Siebeneck <ASiebeneck@rshc-law.com>; Ronald Safer <rsafer@rshc-law.com>; Abbie Peluso <apeluso@rshc-law.com>; andy@halemonico.com; Bill Bazarek <web@halemonico.com>; Bobb@pcbtrialaw.com; David Nordwall <david@drnlaw.net>
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CAUTION - EXTERNAL:

Ms. Presslak,

Attached please find the cover letter and juror questionnaire with revisions and additions submitted on behalf of the Defendants. Please let me know if you or the Court has any questions or concerns.

Thank you,
Allyson

On Mon, Mar 20, 2023 at 3:07 PM Christina Presslak <Christina_Presslak@ilnd.uscourts.gov> wrote:

Please see the message below from Judge Pallmeyer:

Dear Counsel:

I have received Plaintiff's suggested additional questions for the juror questionnaire. I have no problem with proposed Question 14 – concerning positive experiences with law enforcement. I am less comfortable with proposed Question 16 (concerning doubts about credibility of an incarcerated person), not because the question is improper, but because it invites other questions:

- Would you tend to doubt the credibility of a witness who has served as a police officer?
- Would you tend to doubt/ would you tend to put greater faith in / the credibility of a witness who has worked as a defense attorney and now is a judge?
- Would you tend to doubt / would you tend to put greater faith in/ the credibility of a witness who has been an Assistant United States Attorney?

In my view, the better approach might be to ask, during *voir dire*, whether the potential jurors are prepared to assess the credibility of each witness in light of that witness's testimony and all of the other evidence in the case – or whether they would be unable to view the testimony of a person who has been incarcerated as credible.

In my experience, potential jurors will often tell us if they feel they can't be fair because they have pre-conceived opinions about witness credibility. A juror who can't put aside a prejudgment would be the subject of a cause challenge.

If you want to propose another way of asking this question (or any other), feel free to make a further proposal.

Rebecca Pallmeyer

U.S. District Judge

From: Allison Siebeneck <ASiebeneck@rshc-law.com>

Sent: Monday, March 20, 2023 2:14 PM

To: Christina Presslak <Christina_Presslak@ilnd.uscourts.gov>

Cc: Ronald Safer <rsafer@rshc-law.com>; Abbie Peluso <apeluso@rshc-law.com>; andy@halemonico.com; Bill Bazarek <web@halemonico.com>; Allyson West <awest@halemonico.com>; Bobb@pcbtrialaw.com; David Nordwall <david@drnlaw.net>

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Dear Ms. Presslak,

Judge Pallmeyer kindly gave the parties some additional time to review and comment on the draft cover letters and questionnaires to be completed by the potential jurors for this matter. Plaintiff proposes two additional questions for the written questionnaire, reflected in the attached for the Court's consideration.

Thank you very much,

Allison

Allison N. Siebeneck (*she/her/hers*)

Riley Safer Holmes & Cancila LLP